

REMARKS

Reconsideration of this Application is respectfully requested. Claims 1 - 3 and 5-15 are amended, collectively, without prejudice or disclaimer, to better define the invention without limiting effect. Claims 1-17 are in this case.

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Initially, the Examiner objected to the Claims on grounds that their numbering does not comply with 37 C.F.R. § 1.126. According to the Examiner, Claims 16 and 17 were misnumbered by Applicant as Claims 15 and 16, respectively.

The Examiner then rejects Claims 16 and 17, as renumbered, under 35 U.S.C. § 112, Second Paragraph, for indefiniteness. The Examiner explains that these Claims are indefinite for purportedly depending from article Claim 14, whereas it appears, says the Examiner, that the Claims should depend from article Claim 15. He states that clarification and correction are required, though he comments that, for examination purposes, the Claims have been treated as if they depend from Claim 15.

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In response, Applicant respectfully states that the Examiner has apparently made reference to, and has examined in this Application, the wrong set of Claims. Specifically, it appears that the Examiner is referring to the Specification and Claims set forth in the PCT Application rather than the Substitute Specification submitted by Applicant upon National Stage Entry in the United States. The alleged discrepancies, as indicated by the Examiner above, were, in turn, corrected previously in the Substitute Specification.

Withdrawal of the Examiner's objection and accompanying rejection under § 112, Second Paragraph, is, therefore, respectfully requested.

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Next, the Examiner rejected Claims 1-17 under 35 U.S.C. § 103 as allegedly being obvious and, therefore, unpatentable over Goldberg et al., U.S. Patent No. 6,745,702, in view of Calton, U.S. Patent No. 1,870,174. In particular, the Examiner takes the position that Goldberg et al. disclose a structure, substantially as claimed by Applicant, including a support surface 10, a receptacle 80 and legs 50. The Examiner admits, however, that Goldberg et al. do not show legs releasably attached to the support surface.

The Examiner then looks to Calton for his purported showing, in FIGS. 1 and 2, of the "use of releasable attachment between leg and table structure" to provide knockdown capability. The Examiner concludes that it would have been obvious to modify the structure of Goldberg et al. to include a releasable attachment of the legs, as allegedly taught by Calton, since, says the Examiner, such structures are conventional alternative structures used for the same intended purpose.

The Examiner indicates, in addition, that the method claimed by Applicant would have also been obvious. He explains, and takes official notice, that the use of different well-known hardware structures, such as cotter pins, nut and bolts, screws, and nails, are available at any hardware store, such as Home Depot® and Lowes®, and that "such hardware structures used the same wellknown intended purpose would have been obvious an well within the level of ordinary skill in the art and further reasonably predictable".

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In response, however, Applicant respectfully disagrees with the Examiner's reading and application of the cited references.

First, Applicant's invention relates to a combination stack and stand table with refuse container for catering and the like. This combination is unique in that it not only provides a complete table assembly for accommodating guests for social and/or business discussions, meetings, exclusive parties, fund raisers, weddings or like catered events, while eating and/or drinking, but also a refuse container which is readily accessed by participants without unsightly or offensive viewing of the refuse container or its contents, such as through a hole in the table top such as taught by Goldberg et al. Indeed, participants at fund raisers, weddings, exclusive parties and the like would find no use for Goldberg et al.'s arrangement which, as Goldberg in fact acknowledges, is suited to an auto mechanic's garage, a restaurant's back kitchen, or the mail/copier room of an office.

Second and advantageously, Applicant's invention is adapted for quick and easy set-up, for instance, at one catered event, but may then quickly and readily taken-down for transport to another catering event and/or storage when the event has ended. The apparatus of Goldberg et al., however, is not. To the contrary, as disclosed, their "receptacle cover device with raised work surface" provides permanent additional work space with unhampered access to a waste receptacle, though without regard to appearance to the user or participant.

As indicated by Goldberg et al., their objective is to provide a work surface with an aperture and a waste receptacle therebelow. The work surface holds, for example, tools and small parts removed from an automobile during maintenance in an auto mechanic's garage, the aperture allowing the mechanic to readily deposit refuse into the waste receptacle below. In another application, the work surface supports a cutting board and the aperture provides for ready disposal of waste during food preparation and/or the aperture receiving and cooperating with a bowl for receiving non-waste food.

As specifically stated in Column 2, lines 37-42, Goldberg et al.'s work surface device is suitable for supporting objects above a waste container while providing access to the interior of the waste container for facilitating disposal of waste within the waste container. In this context, Goldberg et al. disclose a work surface with an aperture in the same for receiving refuse. Applicant's invention does not disclose nor does it suggest such a structure.

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With respect to Calton, Applicant respectfully submits that this reference simply does not disclose or suggest quick-release fasteners for fast and easy assembly or disassembly of a stack and stand table, as set forth by Applicant. Rather Calton describes only adjustable braces for leveling legs of a table.

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Notwithstanding the foregoing, Applicant has undertaken to amend independent Claims 1, 14 and 15 to better define the invention such that the support surface comprises "a relatively flat, portable *and contiguous* table top". For clarity, Claims 1 and 14 are

amended to delineate “the legs being releasably joined to the table top for ready, *quick* mounting or collapse of the same. Similarly, Claim 15 is amended to better define the steps of “releasably mounting” as mounting - - *for quick release* - - (emphasis added, collectively). Support for these amendments may be found throughout the Specification and Drawings, for instance, in FIG. 1.

Applicant has also amended dependent Claims 2 and 3 to better define the table top as having a diameter/width substantially greater than the width of the container, such that edges of the table top extend a selected distance beyond a rim of the container so as to obfuscate a refuse receiving opening in the container from view. Support for this amendment again may be found throughout the Specification and Drawings, for example, in FIG. 1.

As for Claims 5-13, they have been amended to better define their dependence from the support *surface* and receptacle set forth in independent Claim 1 (emphasis added), and for consistency with dependent Claims 2-4.

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Accordingly, Applicants respectfully state that none of the cited references, whether taken alone or in any combination, disclose or suggest Applicants’ invention, as claimed.

Applicants have made a good faith attempt to place this Application in condition for allowance. Favorable action is requested. If there is any further point requiring attention prior to allowance, the Examiner is asked to contact Applicants' counsel at (646) 265-1468.


Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, in an envelope with sufficient postage addressed to: Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450 on May 5, 2009
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